

REMARKS

Applicants have received and reviewed the Office Action dated May 19, 2009. By way of response, Applicants have amended claims 1, 2, 10, 11, 15 and 16 and present new claims 17-25. No new matter has been added. Claims 1-25 are pending.

Applicants submit that the pending claims are supported by the specification as filed. For example, support for the amendment to claim 1 can be found throughout the specification as filed including at least at page 3, lines 14-16, at pages 3-4, and the example at pages 5-6. Support for the amendment to claim 15 can be found throughout the specification as filed including at least at page 2, lines 8-16, at page 3, lines 4-7, and at page 4, lines 20-21. Support for the amendment to claim 16 can be found throughout the specification as filed including at least at page 3, lines 4-12

Applicants respectfully submit that the amended and newly presented claims are in condition for allowance, and notification to that effect is earnestly solicited.

Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 2, 10 and 11 under 35 U.S.C. § 112, second paragraph. The Office Action objected to the terms “preferably” and “preferred” in these claims.

The amended and newly presented claims do not include the terms “preferably” and “preferred”. Those amounts listed as preferable in claims 10 and 11 are now presented in new claims 17-25.

Accordingly, Applicants respectfully submit that the amended and newly presented claims fully comply with § 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. § 101

The Examiner rejected claims 15 and 16 under 35 U.S.C. 101. The Office Action objects to these claims as “use” claims.

Amended claims 15 and 16 now recite a method of storing and a method of administering, respectively.

Accordingly, Applicants respectfully submit that the amended and newly presented claims fully comply with § 101, and withdrawal of this rejection is respectfully requested.

Rejection of Claims Under 35 U.S.C. §§ 102(b) and 103(a)

The Examiner rejected claims 1, 3-7 and 9-14 under 35 U.S.C. § 102(b) as anticipated by Asakura, US 4,360,550. The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as obvious over Asakura et al. Applicants respectfully traverse this rejection.

The Office Action notes that the cited Asakura reference discloses the layers employed in the present invention, but not in the order that the layers are recited in claim 1 (Office Action at page 5, paragraph 11). Amended claim 1 recites the order of the claimed layers. Asakura neither discloses nor suggests this order of the layers. Thus, this reference neither anticipates nor makes obvious the presently claimed invention.

Accordingly, based on the foregoing differences, Applicants respectfully submit that the Asakura reference neither teaches nor suggests the presently claimed sachet and methods of using it and withdrawal of this rejection is respectfully requested.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.


Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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MTS:kf


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